IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.96 OF 2004

Mrs.Vranda Gokuldas Pai ...Appellant

Versus

M/s.Geet Govind Co-op. Hsg.
Society Ltd.& Anr. ...Respondents

.....

Ms.Jahagirdar i/b Mr.P.S.Dani for Appellant.
Mrs.Sapna Samant i/b Mr.H.S.Shreepad Murthy for Respondent No.1.
Mrs.Srivastava i/b M/s.Consulta Juris for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

JUNE 27, 2006.

P.C.

1. Heard Counsel for the parties.

2. I find no infirmity in the view taken by the Court below that grant of relief as prayed in the Notice of Motion would virtually result in decreeing the Suit and such drastic order can be passed only in exceptional circumstances.

Accordingly, I see no propriety in entertaining this Appeal. Hence, this Appeal is dismissed.

3. However, in the interest of justice, having regard to the fact that both sides have assured through their Counsel before this Court that they will cooperate for early trial of the Suit; in view of the gravity of issue raised in the Suit, the Trial Court is directed to dispose of the Suit as expeditiously as possible, preferably by end of June 2007.

4. Parties undertake to cooperate with the Trial Court for early disposal of the Suit. That assurance is accepted.

A.M.KHANWILKAR, J.